

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GBEKE MICHAEL AWALA,

Plaintiff(s),

CASE NUMBER: 07-11146
HONORABLE VICTORIA A. ROBERTS

v.

ANTHONY M. KENNEDY, et al.,

Defendant(s).

ORDER

This matter is before the Court on *pro se* Plaintiff Gbeke Michael Awala's Motion for Judgment by Confession and his petition entitled "American Citizen on a Cross." For the reasons stated below, Plaintiff's motions are **DENIED**.

The Court presumes that Plaintiff's Motion for Judgment by Confession is a request for reconsideration of the Court's July 25, 2007 Order Dismissing Plaintiff's Complaint. Eastern District of Michigan Local Rule 7.1(g)(3) provides for reconsideration if the movant demonstrates a palpable defect by which the court and the parties have been misled, and further demonstrates that correcting the defect will result in a different disposition of the case. Plaintiff failed to make this showing. Therefore, his motion is **DENIED**.

The relief Plaintiff seeks in his petition entitled "American Citizen on a Cross" is not clear. Plaintiff indicates that he is requesting an order to proceed *in forma pauperis* pursuant to the Fourteenth Amendment, FRCP 59(e) and 12, and 28 U.S.C. §1915. And, he concludes his brief by asking that the Court grant his motion to "correct error of

law and facts" and to "avoid a complete miscarriage of justice." The body of his motion is merely a disjointed recitation of purported legal principles.

To the extent Plaintiff's petition is a second request for reconsideration of the Court's July 25, 2007 Order, the request is **DENIED** for the reasons stated.

If Plaintiff is requesting *in forma pauperis* status for his appeal to the Sixth Circuit (notice of which was filed on September 18, 2007), the request is also denied. "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. §1915(a)(3). "[T]o determine that an appeal is in good faith, a court need only find that a reasonable person could suppose that the appeal has some merit." *Walker v O'Brien*, 216 F.3d 626, 632 (7th Cir. 2000); *Penny v Booker*, 2006 W.L. 2008523, *1 (E.D. Mich. 2006)(*citing Walker*). The Court finds that Plaintiff's complaint and petitions for reconsideration of the Court's Order of dismissal lack even arguable merit and, therefore, that his appeal is not taken in good faith. Therefore, Plaintiff's request to proceed *in forma pauperis* on appeal is **DENIED**. If Plaintiff wishes to proceed with his appeal, he must either pay the requisite fee or ask the Court of Appeals to grant him *in forma pauperis* status. See Fed. R. App. Procedure 24(a)(5).

IT IS ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: December 13, 2007

The undersigned certifies that a copy of this document was served on the attorneys of record and pro se plaintiff by electronic means or U.S. Mail on December 13, 2007.

s/Carol A. Pinegar
Deputy Clerk